

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6796

BILL NUMBER: SB 218

NOTE PREPARED: May 5, 2005

BILL AMENDED: Apr 29, 2005

SUBJECT: Safety Belts.

FIRST AUTHOR: Sen. Nugent

FIRST SPONSOR: Rep. Whetstone

BILL STATUS: Enrolled

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that evidence of failure to comply with the laws concerning safety belt use may be admitted as evidence in a civil action to reduce damages for injury to a person who is at least 15 years of age at the time of the accident, and may limit the liability of an insurer.
- B. It provides that the defendant has the burden of establishing that use of a safety belt would have reduced injuries.
- C. It provides that if evidence that the plaintiff failed to comply with the laws concerning seat belt safety is admitted in a civil action, a court shall admit evidence that: (1) a driver who is a defendant was intoxicated at the time of the accident; or (2) a defendant caused or contributed to the accident in violation of Indiana law.
- D. It requires certain expert testimony to establish that a plaintiff failed to comply with the safety belt law. It requires a defendant to plead an affirmative defense if the defendant asserts that a plaintiff failed to comply with the safety belt law.
- E. It permits damages to be reduced by not more than 4% arising from a cause of action involving an accident in which a plaintiff failed to comply with the safety belt law.
- F. It requires a court to issue certain instructions to a jury concerning damage reductions and to furnish a specific jury form if evidence was submitted to the jury to prove that a plaintiff failed to comply with the safety belt law.

Effective Date: July 1, 2005.

Explanation of State Expenditures: In certain circumstances, this bill could reduce the liabilities of the state

of Indiana in personal injury claims. This could happen in cases where the Office of the Attorney General can prove that the person filing a personal injury claim against the state due to a vehicular collision involving state-owned property would have been less seriously injured if the person had been complying with seat belt laws. The Attorney General's office may incur some additional expenses if it must contract with an outside expert witness to prove that an injured plaintiff failed to comply with the safety belt law. Since the amount awarded cannot be reduced by more than 4%, the added costs of the expert witness might offset any potential savings.

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could reduce the costs of tort payments for local units of government and political subdivisions if the attorney representing a local unit of government or political subdivision as a defendant in a personal injury lawsuit can prove that an injured person would have been less seriously injured if the person had been complying with seat belt laws. The local unit of government may incur some additional expenses if it must contract with an outside expert witness to prove that an injured plaintiff failed to comply with the safety belt law. Since the amount awarded cannot be reduced by more than 4%, the added costs of the expert witness might offset any potential savings.

Explanation of Local Revenues:

State Agencies Affected: Office of the Attorney General.

Local Agencies Affected: Local units of government and political subdivisions.

Information Sources:

Fiscal Analyst: Mark Goodpaster, 317-232-9852.